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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,872	01/10/2002	Robert P. Micciche	460.2060USU	6287

7590 11/29/2005

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EXAMINER

DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/043,872	Applicant(s) MICCICHE ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 6, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 23-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 23-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment filed on September 6, 2005.
2. Claims 1-19, 23-43 are pending.
3. Claims 1-14, 17-19, 23-41 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/30956, hereinafter "WO '956" for the reasons set forth in the previous rejection.
4. Claims 1-19, 23, 30-32, 41-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tyerech et al. (US Patent No. 5,712,240), hereinafter "Tyerech" for the reasons set forth in the previous rejection.
5. Claims 24-29 and 33-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tyerech as applied to the above claims, and further in view of WO '956 for the reasons set forth in the previous rejection.
6. Claims 15-16 and 42 stand rejected under 35 U.S. C. 103(a) as being unpatentable over WO '956 as applied to the above claims, and further in view of Tyerech for the reasons set forth in the previous office action.

Response to Arguments

7. Applicants' arguments filed September 6, 2005 have been fully considered but they are not persuasive.

With respect to the obviousness rejection based upon WO '956, Applicants argue that the '956 application does not disclose or suggest any wipe with a composition having a soil resist, as required by claims 1 and 32, and while the '956 application does disclose an optional substrate treatment with fluorinated materials like fluoropolymers (page 13, lines 8-10), the '956 application clearly fails to disclose or suggest a wipe with a soil resist selected from the claimed components in the claimed amount, as recited in claims 1 and 32. Applicants also argue that the fluorinated materials in the '956 application are employed to treat the substrate to adapt the separation force between wipes (page 12, line 27) and there is no disclosure or suggestion in the '956 application that the fluoropolymers are used or could be used to treat the surface being cleaned. Applicants further argue that even if one were to incorrectly assume that the fluoropolymers of the '956 application was a soil resist, the '956 application still falls short of disclosing or suggesting the use of the soil resist in the amount required in the claimed invention.

The Examiner respectfully disagrees with the above arguments because on page 12, line 27 to page 13, line 25, WO '956 teaches fluorinated materials like fluoropolymers as one of the treatment chemicals for the wipes and even though WO '956 does not teach a soil resist use of the composition, the two different intended uses are not distinguishable in terms of the composition, see *In re Thuau*, 57 USPQ 324; *Ex parte Douros*, 163 USPQ 667; and *In re Craige*, 89 USPQ 393. With respect to the proportions of said fluoropolymers, it would have been obvious to one of ordinary skill in the art to reasonably expect fluoropolymers to have

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proportions like those of the silicone because the silicones and fluoropolymers are known equivalents as treatment materials as taught by WO '956, hence, the proportions for one would also read for the other. Even though the fluoropolymers were not physically incorporated with the liquid composition to which the substrate is impregnated or coated, WO '956 teaches on page 13, lines 24-25, that the treatment chemicals may be added to the substrate as a component of the lotion, and as such, upon impregnation or coating of the substrate with the liquid composition, which substrate was pre-treated with a lotion which may comprise fluoropolymers, the resulting wipe product would still read on the wipe of the present claims. Please note that the present claims are product claims and not method claims. Even though the fluoropolymers were added to the substrate or wipe prior to the addition of the liquid composition, the resulting wipe would still have the fluoropolymer present in the wipe together with the rest of the liquid composition.

With respect to the obviousness rejection based upon Tyerech, Applicants argue that Tyerech fails to disclose a wipe impregnated with a cleaning composition, as recited in the claimed invention. Applicants also argue that there are many considerations in determining the loading level to be applied to a wipe, such as, for example, the nature of the composition, the nature of the wipe, use of the wipe, wipe packaging, storage of the wipe, and wipe stability, and these parameters are clearly different and not even contemplated by Tyerech because Tyerech only discloses a particular cleaning composition and not a wipe.

The Examiner respectfully disagrees with the above arguments because in col. 16, lines 31-46, Tyerech teaches that the composition may be used by rubbing an area of the carpet to be treated with a device such as a sponge, cloth, non-woven cloth and the like. And when said composition is used with the cloth or non-woven cloth for rubbing a carpet, a person of ordinary

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skill in the art would at the time the invention was made would have used the composition with the cloth or non-woven cloth in an amount which would fall within the loading level ratio as those recited. A person of ordinary skill in the art cleaning a carpet using a cloth and a liquid composition would customarily wet the cloth with enough composition such that the cleaning of the carpet is effected, and the customary amount of cleaning composition added to the cloth would reasonably be within those recited.

With respect to the rejection of claims 24-29 and 33-40 based upon Tyerech in view of WO '956, Applicants argue that neither Tyerech nor the '956 application, taken alone or in combination, disclose or suggest the claimed invention as discussed above.

The response to Tyerech and WO '956 above apply here as well.

With respect to the rejection of claims 15-16 and 42 based upon WO '956 in view of Tyerech, Applicants argue that claim 1 is patentably distinguishable over both the '956 application and Tyerech, taken alone or in combination and therefore it follows that all claims dependent therefrom including claims 15, 16 and 42 are patentably distinguishable over the cited art for at least the same reasons.

The response to Tyerech and WO '956 above apply here as well.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

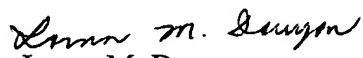
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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